



JC04 Rec'd PCT/PTO 29 JUL 2005
PCT #2

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

ALBERT ROLAND HEIM ET AL.

Application No.: 10/534,990

Filed: May 16, 2005

For: "AGENTS AND METHODS FOR DETECTING HUMAN ADENOVIRUSES

Attorney Docket No.: 3968.156

Customer No.: 000041288

**VERIFIED STATEMENT - NOTIFICATION OF CHANGE
IN STATUS PURSUANT TO 37 C.F.R. §1.28(c)**

As a registered patent agent representing the below named inventor, I hereby declare that Applicants no longer qualify as an Independent Inventor as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the U.S. Patent and Trademark Office with regard to the invention entitled "AGENT AND METHODS FOR DETECTING HUMAN ADENOVIRUSES" described in the specification filed May 16, 2005.

The Applicants no longer qualify as Independent Inventors because the Invention has been assigned to a larger entity.

The following is a statement explaining how the error occurred in good faith and how and when the error was discovered.

On May 12, 2005, the German Patent Attorney representing Applicant contacted the undersigned Attorney and **urgently**

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requested the filing of a National Stage Entry of a PCT patent application in the United States based upon a German priority application prior to the deadline of May 14, 2005.

The application was initially filed on May 16, 2005 (May 14, 2005, falling on Saturday), claiming Small Entity Status.

On July 12, 2005, the German Patent Attorney representing Applicants contacted the undersigned practitioner informing her that the Assignee has more than 500 employees.

The undersigned US patent agent explained to the German Patent Attorney representing Applicants that the Applicants no longer qualify as Independent Inventors as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the U.S. Patent and Trademark Office.

A check in the amount of \$765.00 to cover the deficiency between the amount paid and the amount due is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

Status as a small entity was established in good faith, fees as a small entity were paid in good faith, and it was later discovered that such status as a small entity was established in error. Any deficiency between the amount paid and the amount due is paid and the payment is accompanied by a statement explaining how the error in good faith occurred and how and when the error was discovered. The statement is made by a person registered to

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practice before the Patent and Trademark Office. The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full.

Accordingly, excuse of the error is appropriate.

Date:

July 27/05

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CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing **VERIFIED STATEMENT - NOTIFICATION OF CHANGE IN STATUS PURSUANT TO 37 C.F.R. §1.28(c)**, for U.S. Application No. 10/534,990 filed May 16, 2005, was deposited in first class U.S. mail, postage prepaid, addressed: Attn: Commissioner of Patents and Trademarks, P. O. Box 1450, Alexandria, VA 22313-1450, on this **July 27, 2005**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

Evelyn A. Defilló
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